

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

\_\_\_\_\_  
RALPH BIRDSONG,

Petitioner,

v.

\_\_\_\_\_  
JOHN E. WETZEL, et al.,

Respondents.  
\_\_\_\_\_

CIVIL ACTION NO. 11-CV-4240

ORDER

AND NOW, this 2nd day of JANUARY, 2020, upon consideration of Petitioner's Petition for a Writ of Habeas Corpus by a Prisoner in State Custody (Doc. 9), the parties' Stipulation (Doc. 99), and the full record in this case, it is **ORDERED** as follows:

1. The parties' Stipulation is **ACCEPTED** by the Court;
2. Petitioner's Petition for a Writ of Habeas Corpus is **GRANTED** as to Claim V. The Court finds that Petitioner was deprived of the effective assistance of counsel at the sentencing phase of trial, based on counsel's failure to investigate and present available mitigating evidence;
3. Because the writ is granted as to Claim V, Petitioner's other claims regarding his death sentence are moot and will not be further considered by the Court;
4. Upon completion of review of Petitioner's claims challenging his convictions, this Order will be incorporated into the Court's final order with respect to these habeas proceedings.

**IT IS SO ORDERED.**

BY THE COURT:

  
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HON. JEFFREY L. SCHMEHL